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(202) 628-4888

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re)	MM DOCKET No.: 97-122
)	
GERARD A. TURRO)	File Nos. BRFT-970129YC
)	BRFT-970129YD
For Renewal of License)	
for FM Translator Stations)	
W276AQ(FM), Fort Lee, NJ,)	
and W232AL(FM), Pomona, NY)	
)	
MONTICELLO MOUNTAINTOP)	
BROADCASTING, INC.)	
)	
Order to Show Cause Why the)	
Construction Project for FM)	
Radio Station WJUX(FM),)	
Monticello, NY, Should not)	
be revoked)	

Courtroom 1, Room 201
FCC Building
2000 L Street, N.W.
Washington, D.C.

Monday,
November 24, 1997

The parties met, pursuant to the notice of the
Judge, at 10:24 a.m.

BEFORE: HON. ARTHUR I. STEINBERG
Administrative Law Judge

APPEARANCES:

On behalf of Gerald A. Turro:

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
(None)					

E X H I B I T S

<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>	
<u>Mass Media Bureau and Universal:</u>			
MMB-1	20	24	(Pgs. 1-4 & 20-31)
MMB-2	26	31	--
MMB-3	37	37	--
MMB-4	38	39	--
MMB-5	40	42	--
MMB-6	43	49	--
MMB-7	51	52	--
MMB-8	52	52	--
MMB-9	53	53	--
MMB-10	54	54	--
MMB-11	54	55	--
MMB-12	55	56	--
MMB-13	57	57	--
MMB-14	59	60	--
MMB-15	60	61	--
MMB-16	61	63	--
MMB-17	65	65	--
MMB-18	66	68	--
MMB-19	69	69	--
MMB-20	70	70	--
MMB-21	70	72	--
MMB-22	72	73	--
MMB-23	73	73	--
MMB-24	74	74	--
MMB-25	75	75	--
MMB-26	75	75	--
MMB-27	76	77	--
MMB-28	77	77	--
MMB-29	79	80	--
MMB-30	81	81	--
MMB-31	82	82	--
MMB-32	83	83	--

I N D E X

E X H I B I T S

<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>	
<u>Mass Media Bureau and Universal:</u>			
MMB-33	84	84	--
MMB-34	85	86	--
MMB-35	87	87	--
MMB-36	88	88	--
 <u>Turro:</u>			
T-1 92	108	(Except for noted para- graphs and (sentences)	
T-2 109	114	--	
T-3 115	115	--	
T-4 116	117	--	
T-5 118	120	--	
T-6 121	121	--	
T-7 128	131	--	
T-8 132	135	--	
T-9 136	--	139	
T-10 140	--	141	
T-11 140	--	141	
T-12 141	--	141	
T-13 141	--	142	
T-14 142	--	143	
T-15 143	--	143	
T-16 144	--	144	
T-17 144	--	145	
T-18 145	146	--	
T-19 146	146	--	
T-20 148	148	--	
T-21 148	149	--	
T-22 150	150	--	
T-23 151	151	--	
T-24 151	152	--	
T-25 153	153	--	

I N D E X

E X H I B I T S

<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>	
<u>Turro:</u>			
T-26 154	154	--	
T-27 154	155	--	
T-28 156	159	--	
T-29 160	161	--	
T-30 162	--	164	
 <u>Monticello Mountain Top Broadcasting:</u>			
MMBI-1	169	170	(Pgs 12-16, (p. 8 text)
MMBI-2	178	180	
MMBI-3	181	185	
MMBI-4	188	189	
MMBI-5	189	190	
MMBI-6 (Exhibit number skipped -- to be revisited later.)			
MMBI-7	192	195	

Hearing Began: 10:24 a.m.
Recess Began: 12:05 p.m.

Hearing Ended: 4:15 p.m.
Recess Ended: 1:20 p.m.

1 P R O C E E D I N G S

2 JUDGE STEINBERG: We are on the record now. This
3 is the formal commence in the hearing in MM Docket No. 97-
4 122. Today is the day that I scheduled for an admissions
5 session.

6 Before we went on the record we had a lengthy
7 discussion on scheduling witnesses, and in with us during
8 that discussion was Catherine R. Schmeltzer of Fisher,
9 Wayland, Cooper, Leader & Zaragoza, who represents a witness
10 in this case, Eugene Blabey.

11 Basically, what we agreed to is the following
12 order of witnesses, and I will note the approximate time
13 that we have agreed to take their testimony. If it's
14 possible to do it this way, we will. If it's not, then we
15 will make amendments as necessary.

16 The first witness will be Mr. Loginow, and he will
17 start at Tuesday, at 10 a.m. Then on Wednesday morning,
18 beginning at 9:30, we will have Mr. Cohen and Mr. La
19 Follette. Wednesday afternoon, beginning at about 1:00, we
20 will have Mr. Luna and Mr. Gaghan. It's possible that Mr.
21 Gaghan's testimony will extend over to Thursday or might
22 even start on Thursday.

23 After Mr. Gaghan will be Ms. Montana, and she is
24 to be here Thursday -- she is to be here Thursday at the
25 commensurate of the hearing, and if she has got to wait in

1 the witness room for awhile, she will. And on Friday
2 morning, we will have Mr. Blabey at about 9:30, and the
3 Friday afternoon, Mr. Warshaw, at about 1:00.

4 Now, there are other witnesses, and either they
5 will be worked in or we will consider scheduling for them
6 later, and that should complete the first week. And then we
7 will worry about -- there are a bunch of witnesses
8 remaining, and we will just worry about them some time next
9 week.

10 There is another preliminary matter which I want
11 to talk about now, and it's the joint motion for protective
12 order which was filed on November 4th by Mr. Turro and
13 Monticello Mountaintop Broadcasting.

14 In connection with this, let me note that there
15 was an emergency motion for temporary protective order filed
16 on November 10th, and as a result of the emergency order for
17 protective order, an agreement was reached among the
18 parties, which is represented by a couple of November 10,
19 1997 letters. So that's -- I didn't rule on the emergency
20 motion because everyone was happy with the -- well, with the
21 temporary arrangement.

22 MR. ARONOWITZ: Your Honor?

23 JUDGE STEINBERG: Yes?

24 MR. ARONOWITZ: That was only a temporary
25 arrangement, and I would like to ask a couple of questions.

1 JUDGE STEINBERG: Okay, let me just -- basically,
2 what Mr. Turro and Monticello Mountaintop wanted was
3 basically that none of the Bureau's witnesses be shown their
4 exhibits prior to the witness's testimony; is that correct?

5 MR. NAFTALIN: That's correct.

6 JUDGE STEINBERG: And the nature of the agreement
7 was that the exhibits could be shown to the technical
8 engineers.

9 MR. NAFTALIN: Yes.

10 JUDGE STEINBERG: Or the engineering experts; is
11 that essentially correct?

12 MR. NAFTALIN: Based on discussions, Mr. Turro
13 agreed to accommodate the Bureau and provide -- and agree
14 that the statements of his two consulting engineers, Mr.
15 Hurst and Mr. Hidle, could be provided to the consulting
16 engineers of the Bureau and Universal, Mr. Cohen and Mr. La
17 Follette.

18 JUDGE STEINBERG: Okay. Now, what I've got is the
19 joint motion for protective order. Basically the agreement,
20 the temporary agreement or the agreement on the emergency
21 motion covered us until today so I didn't see any real need
22 to do anything on that, and I'll probably just dismiss the
23 emergency motion as moot.

24 MR. NAFTALIN: That would be fine.

25 JUDGE STEINBERG: Okay, now, what do we need to --

1 why can't the temporary arrangement be carried forth through
2 the hearing?

3 MR. ARONOWITZ: Your Honor, we entered into the
4 temporary arrangement before the disclosure of Mr. Turro's
5 and MMBI's direct case. And in so doing we see, and this
6 may become moot at the end of this session. However, there
7 is a lot of material in Mr. Turro's direct testimony in
8 which he is apparently testifying as some sort of expert.
9 And we -- and as long as that has now been disclosed and
10 been submitted, it tends to cut across what we originally
11 agreed to, in our opinion. And since that we are looking to
12 pretty much keep factual type witnesses sequestered as they
13 would be in the ordinary course.

14 However, in terms of our agreement to let the
15 experts see what the experts have to say as a method of
16 expediting this matter, we have a lot of Mr. Turro's
17 testimony, some of which we are going to try to exclude this
18 morning. But nevertheless, some of which comes across as
19 expert testimony.

20 JUDGE STEINBERG: Okay, you're talking about --

21 MR. ARONOWITZ: And we would move to show that's
22 experts.

23 JUDGE STEINBERG: Okay, what you are talking about
24 is, well, the receiving antenna was in the basement so
25 therefore the signal that Mr. Loginow sent out or whatever

1 he did didn't get to that receiving antenna; stuff like
2 that?

3 MR. ARONOWITZ: Sure. I think it's --

4 JUDGE STEINBERG: And the scenario that was
5 explained by Mr. Luna and Mr. Gaghan was impossible because
6 ABCD, and that's technical stuff?

7 MR. ARONOWITZ: Correct.

8 JUDGE STEINBERG: And you want to be able to show
9 that to your technical experts?

10 MR. ARONOWITZ: Absolutely.

11 JUDGE STEINBERG: Mr. Naftalin?

12 MR. ARONOWITZ: Should they not be excluded.

13 MR. NAFTALIN: ell, Mr. Turro's statement goes to
14 his personal knowledge of his operations. And in the normal
15 course, if this were a live trial without cases, his direct
16 testimony would not have been presented prior to the --

17 JUDGE STEINBERG: Right.

18 MR. NAFTALIN: -- appearances of Mr. Cohen and Mr.
19 La Follette. We agree to be helpful. If the true
20 independent experts got to review the true independent
21 experts, because I think we had a right to oppose that as
22 well, but we decided it would be helpful not to.

23 I am just curious why, why Mr. Cohen or Mr. La
24 Follette, what would be helpful about Mr. Cohen or Mr. La
25 Follette reading Mr. Turro's statement?

1 JUDGE STEINBERG: Okay. Basically, I don't think
2 anybody questions, you know, the qualifications of Mr. Cohen
3 and Mr. La Follette.

4 MR. NAFTALIN: We don't.

5 JUDGE STEINBERG: And basically, it would be very
6 helpful to the record to have testimony by them -- you know,
7 it's true that they are being presented by the Bureau and
8 you've got your own engineers that you might bring on --

9 MR. NAFTALIN: Sure.

10 JUDGE STEINBERG: -- testifying as to whether or
11 not what Mr. Turro claims in his direct case -- he claims
12 Mr. Loginow went on the roof and he did this, and, of
13 course, I don't understand it. I don't remember right now
14 all the technical aspects of it, but he sent out a signal,
15 and because of what he heard he concluded that the signal
16 that was being rebroadcast over the translator could not
17 have gone over the air; it had to go through telephone lines
18 or something.

19 Am I right about that? Did I -- I mean, the gist
20 of it? That this was what Mr. Loginow was prepared to say?

21 MR. NAFTALIN: Is this the May -- are we talking
22 about the May 15th or --

23 JUDGE STEINBERG: I don't know the dates --

24 MR. NAFTALIN: Okay.

25 JUDGE STEINBERG: -- to be honest with you, but

1 Mr. Turro explained -- he's got a technical explanation for
2 everything, and the explanation for that was something like
3 something was -- something on the roof was vandalized and he
4 was using something in the basement.

5 MR. NAFTALIN: Right.

6 JUDGE STEINBERG: And the signal that Mr. Loginow
7 that putting out could not have possibly reached the
8 basement, so therefore it was an invalid test. I think it
9 would be helpful to get Mr. Cohen and Mr. La Follette's
10 opinion on stuff like that, and then you can put on your
11 engineer and get his opinion on it.

12 MR. NAFTALIN: He's actually -- has taken some
13 positions about that.

14 I would be willing to agree to let Mr. Cohen and
15 Mr. La Follette review Mr. Turro's statement and provide
16 assistance, strict on technical matters themselves. I mean,
17 if that's -- I think that's consistent with what we agreed
18 to before.

19 Is that what you're asking?

20 MR. ARONOWITZ: Well, one of my problems is --
21 well, what we agreed, we agreed, this initial agreement was
22 done in a manner that was hopefully going to segregate
23 factual stuff from expert testimony stuff. You have Mr.
24 Loginow -- you have Mr. Turro saying, you know, if Loginow
25 conducted this test and he conducted it properly, he would

1 have heard this rather than that. That, to me, is an
2 engineering --

3 JUDGE STEINBERG: He would have heard a white
4 noise versus nothing.

5 MR. NAFTALIN: Well, but hang on --

6 MR. ARONOWITZ: Well, wait a minute. That is
7 expert testimony and, frankly, I think it goes beyond -- you
8 know, if we are agreeing to let the experts --

9 JUDGE STEINBERG: Oh, this is premature. That
10 should be an argument addressed to his -- to Mr. Turro's
11 statement and his competence to make certain assertions, and
12 it's premature to go to get into that here.

13 MR. ARONOWITZ: All right.

14 JUDGE STEINBERG: All we are talking about is who
15 can see what. And if that stuff is excluded, then it's
16 moot. If it's not excluded, it's not moot, and Mr. Naftalin
17 saying show it to your experts. Show it to Mr. La Follette
18 and Mr. Cohen. And I'm happy with that.

19 MR. ARONOWITZ: Well, to some degree, and I put
20 this out here, to some degree, you know, we are relying on
21 Loginow as an expert and what he saw and what, you know he
22 heard.

23 JUDGE STEINBERG: Show it to Loginow.

24 MR. ARONOWITZ: Okay.

25 MR. NAFTALIN: Well, now, wait a minute.

1 JUDGE STEINBERG: Why not?

2 MR. NAFTALIN: Let me address that just a little
3 bit.

4 JUDGE STEINBERG: I'll tell you, if the Bureau
5 doesn't ask Mr. Loginow the questions about -- I mean, what
6 I was prepared to do was sit here, open up your Exhibit 1,
7 you know, now and just read what Mr. Turro had to say and
8 say to Mr. Loginow, "From your experience, is this accurate?
9 Is this reasonable?" I mean, Mr. Loginow can say -- he can
10 sit here, and I would presume that you would ask him in his
11 deposition. Mr. Loginow would say, "Gee, yeah, that makes a
12 lot of sense. And if that's really what happened, then
13 maybe my test didn't show what I said it showed."

14 Or Mr. Loginow could say, "Hello, no, this is
15 absolutely wrong. It's engineering garbage. It's gobbly-
16 gook. I'm an expert, you know, an electrical engineer, and
17 have been doing this for 30 years or 20 years, and this is
18 absolutely wrong."

19 I mean, I don't see what's wrong with showing Mr.
20 Loginow anything technical or anything having to do with his
21 inspection and saying, "Look, this is what Turro says. Is
22 it accurate? Is it true? Would this have affected your
23 results?" Because if they don't ask it, I'm going to ask
24 it. I think it would shorten things up a little bit.

25 I would say -- I would go as far as to say --

1 have you shown this to him yet?

2 MR. ARONOWITZ: No.

3 JUDGE STEINBERG: Okay. I would go so far as to
4 say wait until after the deposition so that if you ask him
5 this question at the deposition and he answers one way and
6 he comes into the hearing and answers another way, then he
7 would have to explain. But, you know, that's as far as I
8 think that you can reasonably go.

9 Now, his explanation would be, "Well, gee, it came
10 to me cold at the deposition, but I've been thinking about
11 it. I've been talking about it. I did a little bit of
12 research on it. And I was wrong at my deposition." I mean,
13 that happens all the time.

14 But I would say that's not unreasonable to show
15 this stuff to Mr. Loginow. Then Mr. Luna and Mr. Gaghan,
16 that's something different.

17 MR. NAFTALIN: Okay. All right, I'm persuaded,
18 Your Honor. Okay, that's fine.

19 JUDGE STEINBERG: Okay, does that satisfy --

20 MR. ARONOWITZ: If I understand it, the proposal
21 would be that Jules Cohen, Wilson La Follette, and Surge
22 Loginow would be able to review Mr. Turro's statement.
23 That's our Exhibit No. 1, right?

24 JUDGE STEINBERG: Right.

25 MR. ARONOWITZ: Correct.

1 JUDGE STEINBERG: I mean, obviously, they would
2 be, you know, they would be reviewing it for whatever
3 engineering statements.

4 MR. ARONOWITZ: That's fine. We don't object to
5 that.

6 JUDGE STEINBERG: But I agree with -- I think Mr.
7 Luna and Mr. Gaghan should come in cold.

8 MR. NAFTALIN: Okay.

9 JUDGE STEINBERG: And be confronted on the witness
10 stand with the stuff you're going to confront them with.

11 MR. NAFTALIN: They were our primary concern,
12 anyway.

13 MR. ARONOWITZ: And that's -- absolutely no
14 objection on --

15 JUDGE STEINBERG: Yes.

16 MR. ARONOWITZ: Absolutely no objection in that
17 regard.

18 MR. NAFTALIN: I think we are in agreement.

19 JUDGE STEINBERG: So everybody is happy with --
20 okay, what I will do is I will just issue a brief order
21 basically saying that we discussed it at the admissions
22 session and it's granted to the extent reflected on the
23 record and denied in all other respects, and I will dismiss
24 the joint -- I mean, the emergency motion as moot.

25 MR. NAFTALIN: That's fine.

1 JUDGE STEINBERG: Okay, everybody ready to get to
2 the nitty-gritty?

3 MR. NAFTALIN: Ready, Your Honor.

4 JUDGE STEINBERG: Okay. So I guess since the
5 Bureau has got the burdens, burden of proceeding with
6 respect to Mr. Turro and both burdens with respect to
7 Monticello Mountaintop, I will take -- consider their
8 exhibits first.

9 MR. ARONOWITZ: Before we start that, Your Honor,
10 we have tabbed our exhibits MMB Exhibit 1.

11 JUDGE STEINBERG: Right.

12 MR. ARONOWITZ: MMB Exhibit 2. I think it should
13 be noted that this -- that in order to expedite this we
14 submitted joint exhibits.

15 JUDGE STEINBERG: Right.

16 MR. ARONOWITZ: So I will continue to refer to
17 them as MMB exhibits, but they are really joint exhibits of
18 Universal and MMB.

19 JUDGE STEINBERG: Right.

20 MR. ARONOWITZ: Is that satisfactory to everybody.

21 JUDGE STEINBERG: It's just a lot easier that way.

22 MR. ARONOWITZ: Just trying to do our best in that
23 regard.

24 JUDGE STEINBERG: While I am thinking about it,
25 let me just state for the record that many of the exhibits

1 are copies of pleadings, letters, and similar things which
2 have been filed with the Commission. Some of those have
3 attachments, and the attachments, such as engineering
4 statements and other statements.

5 To the extent that those Bureau exhibits are
6 received, let me just say they are going to be received for
7 official notice purposes. In other words, if a Bureau
8 exhibit has an engineering statement attached to it or
9 another statement, the engineering statement or the other
10 statements are not going to be received for the purposes of
11 proving the truth of the matters asserted.

12 Let's take an engineering statement. You are not
13 going to be able to cite to that engineering statement as
14 proof of the facts contained therein. The only thing it can
15 be used for would be on such and such a date so and so filed
16 a pleading. Attached to the pleading was this. The
17 pleading said blank. Or attached was an engineering
18 statement from so and so. The engineering statement said
19 blank. That's not proof of blank. All that is is proof is
20 that something was filed on that date attached to that
21 pleading.

22 If you want that engineering statement accepted
23 for the purposes of the truth of the matters asserted, you
24 are going to have to produced the witness, and that witness
25 is going to have sponsor it, you know, vouch for it and be

1 subject to cross examination.

2 MR. ARONOWITZ: Your Honor, in some of those case,
3 and this is just to clarify, so I understand what you are
4 saying. In some of these cases we have an engineer who
5 says, for example, attached are a bunch of things and I
6 reaffirm those.

7 JUDGE STEINBERG: That's fine.

8 MR. ARONOWITZ: Okay.

9 JUDGE STEINBERG: Yes, that's fine --

10 MR. ARONOWITZ: Okay.

11 JUDGE STEINBERG: -- because he is a witness, he
12 has vouched for it, and he will be available for cross-
13 examination.

14 But what I am saying is, is that the witness --
15 somebody has got to sponsor it, and somebody has got to be
16 made available for cross-examination to sponsor -- before
17 you can use any of those documents to prove the truth of
18 something stated in the document.

19 Okay, I just wanted to clarify so that everybody
20 right at the beginning knew what their obligations were.

21 (Pause.)

22 JUDGE STEINBERG: Let me then turn to Mr.
23 Aronowitz and you can do your thing.

24 MR. ARONOWITZ: Okay. Your Honor, we have
25 exchanged our exhibits, so I would say we get right down to

1 it.

2 I identified for the record Mass Media Bureau
3 Exhibit 1, which is a 31-page exhibit, which is a summary of
4 past proceedings for which official notice can be taken and
5 a copy of those pleadings as attachments.

6 JUDGE STEINBERG: Okay, the document described
7 will be marked for identification as Mass Media Bureau
8 Exhibit No. 1.

9 (The document referred to was
10 marked for identification as
11 Mass Media Bureau Exhibit No.
12 2.)

13 JUDGE STEINBERG: Okay, any objections?

14 MR. NAFTALIN: We both object, I think.

15 JUDGE STEINBERG: Mr. Riley?

16 MR. RILEY: Your Honor, I don't have any problem
17 with Exhibit 1's attachments A through D, but the text that
18 precedes those is not, I think, either necessary or
19 appropriate in the record. If the text is based on the
20 documents A through D, then --

21 JUDGE STEINBERG: No, certain -- up through --
22 okay, the documents start on page 2 of No. 1. You see 1991
23 declaratory ruling?

24 MR. RILEY: What it --

25 JUDGE STEINBERG: Yes, that's where the document

1 starts. So that the program origination for -- where it
2 says, "Program origination for W276AQ consistently denied,"
3 I don't think that section is covered by documents in the
4 attachments.

5 MR. RILEY: Well, Your Honor, I think that's true,
6 and let me restate my position.

7 JUDGE STEINBERG: Yes.

8 MR. RILEY: As the Bureau has paginated the
9 exhibit, I think that pages 1 through 4 are objectionable.

10 JUDGE STEINBERG: Okay.

11 MR. RILEY: And then beginning with page 5 within
12 this exhibit, which is Attachment A, through page 20 --

13 JUDGE STEINBERG: Right, to the end.

14 MR. RILEY: Now I'm trying to -- well, what I want
15 to do is get through a point, through what is page 19 of the
16 exhibit, which is the end of Attachment D.

17 JUDGE STEINBERG: Oh, I see.

18 MR. RILEY: I don't have an objection to inclusion
19 of those. I think they are properly in for official notice.
20 Beginning at page 20, they go to a matter which maybe
21 appropriately in the record that is something like Mr.
22 Naftalin might speak to, but I don't take a position on
23 Attachment E, Your Honor.

24 JUDGE STEINBERG: Okay.

25 MR. RILEY: The reason for my objection to pages 1

1 through 4, either they are counsel's summary of what they
2 think the documents or properly citeable rulings stand for,
3 or -- which is what I believe they are, or they are an
4 attempt to put into the record counsel's proposed findings
5 and conclusions in a handy way to cite to them, and I don't
6 think that's an appropriate exercise in the exhibits, so I
7 think they are objectionable on that basis.

8 JUDGE STEINBERG: Mr. Naftalin?

9 MR. ARONOWITZ: With respect to pages 1 through 4,
10 Your Honor, we agree that these appear to -- these page
11 appear to be a legal argument about the factor, or the
12 statements, or the representations of Commission decision.
13 If the decisions themselves to be submitted in the record,
14 we don't object to them. They say what they say and they
15 stand for what they stand for. Counsel's characterization
16 of them are properly evidenced. They are not certified or
17 substantiated as evidence, and we believe that this is an
18 inappropriate time to be making legal argument, and legal
19 argument should never be considered an exhibit as an
20 evidentiary matter.

21 We don't object to A, B, anyway, the pages
22 through, the Bates stamp numbering through 19 to be
23 submitted as documentary matters. In fact, I think we
24 proposed some of those ourselves. Starting with Attachment
25 E, which actually begins on Bates stamp number 21, the

1 Bureau has proposed to include an assignment of license --
2 I'm sorry, a purchase agreement which was part of an
3 assignment of license application and option amendment to
4 that purchase agreement, I should say, with respect to two
5 of Mr. Turro's stations. That matter, I believe the hearing
6 designation order held that assignment application in
7 abeyance subject to the outcome of this proceeding. So
8 since there is not an issue about it in this proceeding, I
9 would suggest that that be excluded as well.

10 JUDGE STEINBERG: Okay, Mr. Aronowitz or Mr.
11 Helmick or --

12 MR. ARONOWITZ: I have been designated to say
13 nothing.

14 JUDGE STEINBERG: By the way, when I say Mr.
15 Aronowitz, I am including Mr. Helmick, since they are joint
16 exhibits, and you can both argue if you want to.

17 MR. ARONOWITZ: I don't think we want to argue
18 this.

19 JUDGE STEINBERG: Okay. pages 1 through 4 are not
20 received into evidence. They are rejected. Pages 5 through
21 19, is it, or C?

22 MR. ARONOWITZ: That's correct.

23 JUDGE STEINBERG: Pages 1 through 4 are rejected.
24 Pages 5 through 19 are received. Pages 20 through 31 are
25 rejected.